

REMARKS

Replacement sheets of drawings which formalize those currently on file are submitted herewith. No new matter has been added.

The specification has been amended by deleting the embedded hyperlink and/or other form of browser-executable code. Also, the specification has been amended to correct errors by Applicants and to indicate that FIG. 5 is now FIGS. 5A and 5B.

Claims 1, 3, and 8 have been amended. Claims 5-7 have been cancelled.

Claims 1-4 and 8-11 were rejected under 35 USC 103(a) as being unpatentable over Shiota (6,324,521) in view of Gerson (5,721,826)

In Shiota's system, a customer takes images to a laboratory, which digitizes the images and stores them on a server. The customer then requests services on the images by accessing the images via the web and the images are printed at the site of the server or transferred to another lab that can print the images.

Shiota further discloses establishing a password protected service account with the service provider and furnishing a user with an identifier for such service account to permit a user to have access to ordered services. Shiota discloses displaying the thumbnail images to the user where the user then selects the images to be processed and transferred. These selected images are given a reception number, processing number, and detailed processing information as shown in Fig. 2. Shiota further discloses transferring the digital image data obtained by the laboratory to the center server when the laboratory obtains the digital image data, collectively at a predetermined time, or without a network when large data is stored in a medium. As noted by the Examiner, Shiota does not disclose the remote location confirming the receipt of the service order.

Shiota also fails to disclose digital images uploaded by the user on his/her home computer, as required by Applicants' invention. Claims 1 and 8 have been amended to clarify the distinction from Shiota. The purpose of Applicants' invention is to facilitate image transfer from an individual user's home computer, to a remote memory location at a time selected by the user. In Shiota, customers bring images to a laboratory where they are scanned in and converted to digital images. In Shiota, only thumbnail version of the images,

rather than full images, are stored on or transferred from the personal computer of the individual customer. Applicants' invention addresses the problems faced when the original full images are already on the customer's personal computer and the limitations of transferring images over a channel to the remote memory location at a suitable time for effective data transfer.

Furthermore, Shiota does not disclose transferring the images over the channel to the remote memory location at a suitable time selected by the user for effective data transfer whereby the ordered services can be subsequently provided, as required by amended claim 1. As disclosed on page 3, lines 19-27, an advantage of Applicants' invention is the customer's ability to transfer images from his or her computer at a time when the channel is not under heavy demand. The customer in Shiota would be unaffected by the upload time from the laboratory to the center server. Thus, Applicants' invention solves a problem not even at issue in Shiota.

As noted by the Examiner, Gerson et al. does disclose the remote location confirming the receipt of the service order, along with providing image identifiers for each selected image to be uploaded to the remote location and a service order which specifies the services to be provided utilizing such selected images. However, Gerson et al. does not disclose storing a plurality of images in the memory location along with corresponding thumbnail or lower resolution corresponding images; displaying at least a subset of the thumbnail images for viewing by a user; the user selecting those images to be transferred after viewing the displayed thumbnail images; or transferring such images over the channel to the remote memory location at a suitable time for effective data transfer whereby the ordered services can be subsequently provided, as required by amended claims 1 and 8.

Applicants believe that Shiota et al. and Gerson et al. provide no motivation for the method of claims 1 and 8. Shiota et al. fails to disclose or suggest images that are stored on or transferred from the personal computer of the individual customer, or transferred at a time selected by the user with a confirmation of the service order, as required by amended claim 1. Gerson et al. fails to disclose or suggest storing images in the user's memory location along with viewable thumbnail versions of such images; or transferring such images over the channel to the remote memory location at a suitable time for effective

data transfer whereby the ordered services can be subsequently provided.

Therefore, there is no motivation to combine these two references and claims 1 and 8 represent unobvious and allowable subject matter.

Claims 1 and 8 are believed to be allowable. Dependent claims 2-4 and 9-11 should be allowable as well.

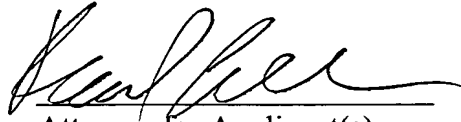
Claims 5-7 were rejected under 35 USC 103(a) as being unpatentable over Shiota in view of Gerson in further view of Slivka (6,256,668).

Claims 5-7 have been cancelled and incorporated into amended claim 1. Shiota et al. and Gerson et al. have been discussed above. Slivka et al. discloses a method for downloading software/computer updates and an option for delaying download until a more convenient time. Slivka et al. further discloses an automatic reconnection between the update service computer and the user's computer at a time selected by the user. However, Slivka et al. fails to disclose transferring images over a channel to a remote memory location at a suitable time selected by the user for effective data transfer whereby ordered services can be subsequently provided, as required by claim 1. Although Slivka et al. disclose remote data transfer, they are not uploading images at a time selected by the user. Downloading software is distinctly different from uploading digital images and therefore not obvious to a person of ordinary skill in the art to combine with Shiota et al. in view of Gerson et al. in further view of Slivka et al. "Remotely transferring data" is an extremely broad field or endeavor and there is no motivation to combine the cited references. Therefore, amended claim 1, incorporates deleted claims 5-7, and represents unobvious subject matter which should be allowable.

It is believed that these changes now make the claims clear and definite and, if there are any problems with these changes, Applicants' attorney would appreciate a telephone call.

In view of the foregoing, it is believed none of the references, taken singly or in combination, disclose the claimed invention. Accordingly, this application is believed to be in condition for allowance, the notice of which is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ray L. Owens', written over a horizontal line.

Attorney for Applicant(s)
Registration No. 22,363

Raymond L. Owens/das
Rochester, NY 14650
Telephone: 585-477-4653
Facsimile: 585-477-4646